

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 8: Out-of-Home Care	Effective Date: TBD
	Section 7: Evaluating Background Checks for Unlicensed Placements	Version: 2

POLICY

1. If a background check reveals any individuals living in the home have had a **conviction, juvenile adjudication** or **pending charges**¹ for any crimes listed below, DCS will **deny** the placement²:
 - a. Murder
 - b. Causing or assisting suicide
 - c. Voluntary manslaughter
 - d. Aggravated battery
 - e. Kidnapping
 - f. A felony sex offense under [IC-35-42-4](#)
 - g. Carjacking
 - h. Arson
 - i. Incest
 - j. Neglect of a dependent
 - k. Child selling
 - l. An offense relating to material or a performance that is harmful to minors or obscene under [IC 35-49-3](#)
2. If a background check reveals any individuals living in the home have had a **conviction, juvenile adjudication** or **pending charges**¹ for any crimes **listed below**, DCS will submit a written recommendation to the court regarding the appropriateness of the placement and will defer to the court's written finding regarding the appropriateness of the placement:
 - a. Reckless homicide
 - b. Battery (Class C or D)
 - c. Criminal confinement (Class C or D)
 - d. Arson (Class C or D)
 - e. A felony involving a weapon under [IC 35-47](#) or [IC 35-47.5](#)
 - f. A felony relating to controlled substances under [IC 35-48-4](#)
 - g. A felony that is substantially equivalent to a felony listed in above for which the conviction was entered in another state.
3. If a background check reveals any individuals living in the home have had a **substantiation** as a **perpetrator of child abuse/neglect (CA/N)**, DCS will submit a **written recommendation** to the court regarding the appropriateness of the placement and will defer to the court's written finding regarding the appropriateness of the placement.
4. If a background check reveals any individuals living in the home have had a **conviction, juvenile adjudication, or pending charges**¹ for any crimes **not listed** under Policy

¹ To be considered a reason for placement denial, the charges must be filed within 6 months of the arrest.

² There are no exceptions; Indiana Code does not allow the court to make exceptions for these crimes.

Statement 1 or 2, DCS will assess the appropriateness of the placement and inform the court of its decision.

5. DCS may deny placement in an unlicensed home if DCS determines the home to be unsuitable for the child for any reason.
6. If a child was placed, as an emergency placement, in a home where a background check subsequently reveals an individual living in the home:
 - a. Had a **conviction, juvenile adjudication or pending charges¹** for any crimes **listed in Policy Statement 1**, DCS will **immediately remove the child** from the home.
 - b. Had a **conviction, juvenile adjudication or pending charges¹** for any crimes **listed in Policy Statement 2 OR** had a **substantiation as a perpetrator of (CA/N)**, DCS will contact the court regarding possible removal of the child while awaiting the court's final determination about the placement.
 - c. Had a **conviction, juvenile adjudication or pending charges¹** for any crimes **not listed in Policy Statement 1 or 2**, DCS will make an expedited determination about the appropriateness of the placement.

See also related policy, [8.6 Information Concerning Background Checks for Unlicensed Placements](#).

Code References

- [IC 31-34-20-1.5 Placement in household with prohibited individuals](#).
- [IC 31-34-4-2 Placement of child with relative caretaker; criminal history check required; exceptions](#)

PROCEDURE

After completing the background checks (see separate policy, [8.6 Information Concerning Background Checks for Unlicensed Placements](#)) the FCM will carefully review the results and:

- If all background checks reveal **no criminal history and no substantiations of CA/N** and all other placement criteria has been met, **approve the placement** of the child.
- If any background check reveals **criminal convictions, juvenile adjudications** and/or **pending charges** listed under **Policy Statement 1 on page 1** of this policy:
 1. Deny the placement via written notification to the (prospective) unlicensed caregiver (See [Sample Notice of Denial/Court Review](#))
 2. **Immediately remove** the child from the home if an emergency placement was made.
 3. Develop alternate placement plans for the child. See separate policy, [8.1 Selecting a Placement Option](#).
- If a background check reveals **any CA/N substantiations, criminal convictions, juvenile adjudications** and/or **pending charges¹** listed under **Policy Statement 2 of page 1** of this policy:
 1. Notify the (prospective) unlicensed caregiver that one or more of the background checks revealed information that requires review and a final decision by the court regarding the placement (See [Sample Notice of Placement Denial/Court Review](#)).

2. Immediately speak with the (prospective) unlicensed caregiver and consult with a DCS supervisor to arrive at a written recommendation about the appropriateness of the placement based on:
 - a. Information yielded on all background checks; and
 - b. The current home environment; and
 - c. The ability of the proposed caregivers to provide for the child's safety and well-being; and
 - d. The length of time that has passed since the conviction, juvenile adjudication or CA/N substantiation; and
 - e. The severity of the offense; and
 - f. Evidence of the person's rehabilitation; and
 - g. The duration and quality of the relationship between the child and the proposed substitute caregiver; and
 - h. Any impact the denial of the placement may have on the ability to keep the sibling group together if siblings are involved.
 3. If an emergency placement was made, contact the court and request expedited authorization for the child to remain in the home or to remove the child until the court makes a finding regarding the appropriateness of the placement. **Remove the child** immediately if the court denies authorization for the child to remain in the home during the review period.
 4. Submit the written recommendation to the court and seek a ruling on the appropriateness of the placement. If an emergency placement was made, request an expedited finding.
 5. If the placement is approved by the court refer to separate policy, [8.8 Preparing the Child for Placement](#).
 6. If the placement is denied by the court
 - a. Provide the individual with written notification of the placement denial (See [Sample Notice of Placement Denial/Court Review](#)).
 - b. Develop alternate placement plans for the child. See separate policy, [8.1 Selecting a Placement Option](#).
- If a background check reveals **any criminal convictions, juvenile adjudications or pending charges¹ not listed under Policy Statements 1 or 2 on page 1** of this policy:
 1. Convene an emergency family team meeting to make a determination about the appropriateness of the placement. Use the criteria listed in Item 2 (a) – (h) above to arrive at a decision.
 2. Notify the court of the placement decision.
 3. If the decision is to approve the placement, refer to separate policy, [8.8 Preparing the Child for Placement](#).
 4. Notify the family in writing if the decision is to deny the placement (See [Sample Notice of Placement Denial/Court Review](#)) and develop alternate placement plans for the child (See separate policy, [8.1 Selecting a Placement Option](#)).

PRACTICE GUIDANCE

FORMS AND TOOLS

- [Sample Notice of Placement Denial/Court Review](#)

RELATED INFORMATION

Crimes for Which the Court May Make an Exception

It is important to note that the court, not DCS, is empowered by law to make the final decision (a written finding) regarding the appropriateness of placing a child into a home where an individual resides who has a CA/N substantiation, conviction, juvenile adjudication and/or pending charges listed under Policy Statement 2 on page 1 of this policy. The role of DCS in these situations is to provide a recommendation for the court's consideration.